

STIP

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Attorney for the United States

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

| | | |
|---------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA, |) | 2:17-CR-00316-RFB-CWH |
| |) | |
| Plaintiff, |) | STIPULATION/AGREED MOTION |
| |) | TO CONTINUE MOTION |
| SERGIO BARAJAS, |) | DEADLINES AND RULE 16 |
| ALAN CASSELL, |) | DEADLINE SET BY THE COURT |
| ELENA MILLNER |) | |
| BENJAMIN STUELKE, |) | |
| MICHELLE ACOSTA, |) | |
| ART ACOSTA, and |) | |
| ERNESTO GARCIA |) | |
| |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |

IT IS HEREBY STIPULATED and AGREED by and between the United States of America, by and through DANIEL SCHIESS, Assistant United States Attorney, and defendant SERGIO BARAJAS, by and through his counsel, Russell Marsh, Esq., defendant ALAN CASSELL, by and through his counsel, David Brown, Esq., defendant ELENA MILLNER, by and through her counsel Peter Christiansen, Esq., defendant BENJAMIN STUELKE, by and through his counsel

1 Michael Nasatir, Esq., defendant MICHELLE ACOSTA, by and through her
2 counsel, Richard Anderson, Esq., defendant ART ACOSTA, by and through his
3 counsel Nolan King, Esq., and defendant ERNESTO GARCIA, by and through his
4 counsel, Dean Steward, Esq., to respectfully request that the Court order that the
5 parties shall have to and including July 1, 2018 to comply with Federal Rule of
6 Criminal Procedure 16 disclosure.
7

8 IT IS FURTHER STIPULATED AND AGREED by and between the parties,
9 to respectfully request that the Court order that they shall have to and including
10 August 1, 2018, to file any and all pretrial motions and notices of defense.
11

12 IT IS FURTHER STIPULATED AND AGREED by and between the parties,
13 to respectfully request that the Court order that they shall have to and including
14 August 15, 2018, to file any and all responsive pleadings.
15

16 IT IS FURTHER STIPULATED AND AGREED by and between the parties,
17 to respectfully request that the Court order that they shall have to and including is
18 August 22, 2018 to file any and all replies to dispositive motions.
19

20 This stipulation is entered into for the following reasons:

- 21 1. The United States' position is that it has complied with Rule 16 in that it
22 has made available to the defendants for inspection, copying, or
23 photographing the items detailed for disclosure under the rule. Counsel
24 for the defendants requested that the United States provide them with a
25 copy of discovery, and the United States has agreed to do so as a courtesy.
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- 1 2. The discovery in this case is voluminous, such that the discovery must be
2 moved to an offsite server location. This move will allow it to be viewable
3 by defense counsel online.
4
5 3. Additionally, there are outstanding trial subpoenas that have been issued
6 by the United States that have not yet been complied with, and the
7 United States is still awaiting a response on those subpoenas. The United
8 States will promptly provide defense counsel with said items upon receipt.
9
10 4. Counsel for defendants need additional time in order to review the
11 voluminous discovery provided, and to comply with their disclosure
12 requirements under Rule 16 as the United States had made a demand for
13 reciprocal discovery. *See* ECF No. 50.
14
15 5. A denial of this request for the additional time to comply could result in a
16 miscarriage of justice.

17 Dated this 1st day of May 2018.
18

19 /s/ Lisa Cartier Giroux
20 LISA CARTIER GIROUX
21 Assistant United States Attorney

/s/ Russell Marsh
 RUSSELL MARSH, ESQ.
 Attorney for Sergio Barajas

22 /s/ David Brown
23 DAVID BROWN, ESQ.
24 Attorney for Alan Cassell

25 /s/ Peter Christiansen
26 PETER CHRISTIANSEN, ESQ.
27 Attorney for Elena Millner

28 /s/ Michael Nasatir
 MICHAEL NASATIR, ESQ.
 Attorney for Benjamin Stuelke

/s/ Richard Anderson
RICHARD ANDERSON, ESQ.
Attorney for Michelle Acosta

/s/ Nolan King
NOLAN KING, ESQ.
Attorney for Art Acosta

/s/ Dean Steward
DEAN STEWARD, ESQ.
Attorney for Ernesto Garcia

1
2 UNITED STATES DISTRICT COURT

3 DISTRICT OF NEVADA

4
5 UNITED STATES OF AMERICA,) 2:17-CR-00316-RFB-CWH

6 Plaintiff,) **ORDER**

7 SERGIO BARAJAS,)
8 ALAN CASSELL,)
9 ELENA MILLNER)
10 BENJAMIN STUELKE,)
MICHELLE ACOSTA,)
11 ART ACOSTA, and)
ERNESTO GARCIA.)

12 Defendant.)
13

14 **ORDER**

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16 IT IS THEREFORE ORDERED that the parties' disclosure under Federal
17 Rule of Criminal Procedure 16 shall be made by July 1, 2018.

18
19 IT IS THEREFORE ORDERED that the parties herein shall have to and
20 including August 1, 2018, to file any and all pretrial motions and notice of defense.

21 IT IS FURTHER ORDERED that the parties shall have to and including
22 August 15, 2018, to file any all responses.

23
24 IT IS FURTHER ORDERED that the parties shall have to and including
25 August 22, 2018, to file any and all replies.

26 DATED this 1st of May, 2018.

27 

28

RICHARD F. BOULWARE, II
United States District Judge